



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE SUITE 200
SUNNYVALE CA 94085

COPY MAILED

JAN 17 2007

OFFICE OF PETITIONS

In re Patent No. 6,909,190 :
Issue Date: June 21, 2005 :
Application No. 09/788,105 :
Filed: February 16, 2001 :
Attorney Docket No. LAM1P106D :

ON PETITION

This is a decision on the petition filed September 6, 2006, which is being treated as a petition under 37 CFR 3.81(b) to add the name of a second assignee on the front page of the above-identified patent by way of a certificate of correction.

Petitioner requests issuance of a certificate of correction to include a second assignee, "Novellus Systems, Inc. San Jose, California," after "Lam Research Corporation, Fremont, California."

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 **before issuance of the patent**, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter [emphasis added]. *See also* MPEP 1481.01.

"In the case of a division or continuation application, a prior assignment recorded against the original application is applied (effective) to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications." MPEP 306.

This application is a division of 09/346,156, filed June 30, 1999, now Patent No. 6,251,770. The USPTO Office assignment records disclose that an assignment to Lam Research Corporation and Novellus Systems, Inc. was recorded on November 3, 2005, **after the date of issuance of this patent.**

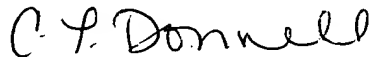
Issuance of a certificate of correction would not be proper because the assignment in the parent application was not submitted for recordation until after issuance of this patent. Accordingly, the petition is **dismissed**.

Petitioner may request a refund of the \$100.00 certificate of correction fee by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision on petition should be directed to the undersigned at (571) 272-3211.



Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions